

From: [Alan Kesner](#)
Sent: Thursday, September 17, 2020 12:17 PM
To: [Hanna Kolberg](#); [James Archambo](#); [Barry Weber](#); [James Case](#); [Dennis McBride](#); [Melissa Weiss](#); [Laura Conklin](#); [Laura Stephens](#)
Subject: Emergency declaration civil unrest generic draft
Attachments: Emergency declaration civil unrest generic draft.docx

I have put together a “generic” emergency declaration for the Mayor to use in the event of civil unrest, which outlines some of the most relevant possibilities and some of the potential options for actions/limitations throughout the City based upon the known possibilities. Hopefully, this can provide a basis for quickly declaring an emergency when necessary. This form is probably broader than will be needed in any particular situation, so sections can be removed or modified as necessary, and it also provides a template paragraph for additional emergency actions which may be deemed necessary based upon any specific situation which might arise.

I figure this is a good form for us to have “in the toolkit” in order to best be prepared for any such possibility should it arise.

Please provide any feedback/questions/ concerns/suggestions if you notice anything which would be helpful or useful to have in this generic form. Feel free to share with others in your departments who may have additional input or suggestions.

Alan Kesner
Wauwatosa City Attorney
akesner@wauwatosa.net
414.479.8905

MAYORAL PROCLAMATION/GENERIC DRAFT FOR POSSIBLE USE IN THE ENVENT OF CIVIL UNREST:

[ADD OR REMOVE SECTIONS AS NECESSARY TO ADDRESS CONDIITONS BASED UPON SPECIFIC SITUATION WHICH MAY BE ARISING]

[Create Final version for execution on Mayoral letterhead or in the form of a formal proclamation with City Seal]

Drafted September 17, 2020

Alan Kesner, Wauwatosa City Attorney

PROCLAMATION

WHEREAS, on [DATE] the Wauwatosa [Police/Fire/Health] Department confirmed that a potential emergency situation exists in the City of Wauwatosa due to [unrest in the Milwaukee area/or insert facts describing other more specific situations] which creates concerns for safety of citizens [and property] and impairs [Choose all that apply: transportation/food or fuel supplies/medical care/fire/ or health or police protection/other critical systems] in the City of Wauwatosa; and

WHEREAS, [STATE NECESSARY protections being provided. Examples: (removing traffic and pedestrians from the streets of Wauwatosa/limiting the supply of flammable materials/reducing access to certain facilities/clearing the roadways of parked vehicles and other obstructions/preserving resources for expected responses/protecting the safety of city-school-public employees] in the most expedient manner possible is necessary to reduce the possibility of safety risks related to such activity and to protect persons and property in the City of Wauwatosa; and

[FOR IMPOSITION OF CURFEW: WHEREAS, it is in the best interest of the City of Wauwatosa to enact a curfew by which pedestrian and vehicular traffic on the streets of the City, with the exception of citizens who are going to or from work, government officials, social service workers and credentialed members of the Press acting in their official capacity, is prohibited between the hours of [X]:00 p.m. on [DATE], through [X]:00 a.m. on [DATE], and between the hours of [X]:00 p.m. on each night thereafter, through [X]:00 a.m. on [DATE]; and]

[FOR LIMITING OVERNIGHT PARKING: WHEREAS, it is in the best interest of the City of Wauwatosa to prohibit overnight parking of vehicles and removing all possible traffic obstructions in order to protect and preserve the ability of emergency service providers to respond when and where necessary between the hours of [X]:00 p.m. on [DATE], and each night thereafter until [X]:00 a.m. on [DATE]; and]

[FOR CLOSURE OF GAS STATIONS: WHEREAS, it is in the best interest of the City of Wauwatosa to prohibit access to fuel and other readily combustible materials by closing gasoline stations and other facilities which provide access to materials which could be used to start or accelerate the burning of buildings and other property thereby potentially causing severe damage to property or injuries to people, and also by limiting the use or transportation of small containers used or capable of being used to transport and dispense such materials by persons seeking to cause damage of this type, between the hours of [X]:00 p.m. on [DATE], and each night/day thereafter until [X]:00 a.m. on [DATE]; and]

[FOR CLOSING CITY BUILDINGS/FACILITIES/SCHOOLS: WHEREAS, it is in the best interest of the City of Wauwatosa to close all City of Wauwatosa/Wauwatosa School District facilities from access by members of the public during this state of emergency in order to protect the safety and integrity of the persons and resources necessary to continue the orderly functioning of city government and other government services (and to protect the ability to continue the education of children in the community) beginning at [X]:00 p.m. on [DATE], and each night/day thereafter until [X]:00 a.m. on [DATE]; and]

[FOR OTHER EMERGENCY ACTIONS REQUIRED: WHEREAS, it is in the best interest of the City of Wauwatosa to [what is being ordered] during this state of emergency in order to [what is being protected or preserved by this action] beginning at [X]:00 p.m. on [DATE], and each night/day thereafter until [X]:00 a.m. on [DATE]; and]

NOW, THEREFORE, I, Dennis McBride, Mayor of the City of Wauwatosa, under the authority granted to me by Wisconsin Statutes sections 323.11 and 323.14(4)(b), declare that the above conditions have given rise to [a riot or civil commotion/a disaster/an imminent threat of a disaster], which [impairs transportation/food or fuel supplies/medical care/fire/health/police protection/other critical systems] thereby creating a state of emergency in the City of Wauwatosa and the proclamation of an emergency is necessary and expedient for the health, safety and protection of the people and property in the City of Wauwatosa; and

FURTHERMORE, I hereby declare that the above-described actions necessary during this state of emergency to protect the property and persons within the City of Wauwatosa are hereby ordered to be implemented as therein described; and

FINALLY, this proclamation of an emergency shall be from today's date until [END DATE] at [TIME] and shall be subject to ratification, alteration, modification, or repeal by the Common Council as soon as the council can meet.

As Mayor of the City of Wauwatosa, I hereunto set my hand hereto this
____ day of _____, 2020.

Dennis McBride, Mayor

From: [Alan Kesner](#)
Sent: Thursday, September 17, 2020 2:30 PM
To: [Hanna Kolberg](#); [James Archambo](#); [Barry Weber](#); [James Case](#); [Dennis McBride](#); [Melissa Weiss](#); [Laura Conklin](#); [Laura Stephens](#); [Eva Ennamorato](#); [Joseph Roy](#)
Subject: RE: Emergency declaration civil unrest generic draft
Attachments: Emergency declaration civil unrest generic draft 2.docx

Draft 2 attached. Slight changes after EOC meeting this afternoon

Alan Kesner
Wauwatosa City Attorney
akesner@wauwatosa.net
414.479.8905

From: Alan Kesner
Sent: Thursday, September 17, 2020 12:17 PM
To: Hanna Kolberg <hkolberg@wauwatosa.net>; James Archambo <jarchambo@wauwatosa.net>; Barry Weber (bweber@wauwatosa.net) <bweber@wauwatosa.net>; James Case <jcase@wauwatosa.net>; Dennis McBride <dmcbride@wauwatosa.net>; Melissa Weiss <cmweiss@wauwatosa.net>; Laura Conklin <lconklin@wauwatosa.net>; Laura Stephens <lstephens@wauwatosa.net>
Subject: Emergency declaration civil unrest generic draft

I have put together a “generic” emergency declaration for the Mayor to use in the event of civil unrest, which outlines some of the most relevant possibilities and some of the potential options for actions/limitations throughout the City based upon the known possibilities. Hopefully, this can provide a basis for quickly declaring an emergency when necessary. This form is probably broader than will be needed in any particular situation, so sections can be removed or modified as necessary, and it also provides a template paragraph for additional emergency actions which may be deemed necessary based upon any specific situation which might arise.

I figure this is a good form for us to have “in the toolkit” in order to best be prepared for any such possibility should it arise.

Please provide any feedback/questions/ concerns/suggestions if you notice anything which would be helpful or useful to have in this generic form. Feel free to share with others in your departments who may have additional input or suggestions.

Alan Kesner
Wauwatosa City Attorney
akesner@wauwatosa.net
414.479.8905

MAYORAL PROCLAMATION/GENERIC DRAFT FOR POSSIBLE USE IN THE EVENT OF CIVIL UNREST:

[ADD OR REMOVE SECTIONS AS NECESSARY TO ADDRESS CONDITIONS BASED UPON SPECIFIC SITUATION WHICH MAY BE ARISING]

[Create Final version for execution on Mayoral letterhead or in the form of a formal proclamation with City Seal]

Drafted September 17, 2020

Alan Kesner, Wauwatosa City Attorney

PROCLAMATION

WHEREAS, on [DATE] the Wauwatosa [Police/Fire/Health] Department confirmed that a potential emergency situation exists in the City of Wauwatosa due to [unrest in the Milwaukee area/or insert facts describing other more specific situations] which creates concerns for safety of citizens [and property] and impairs [Choose all that apply: transportation/food or fuel supplies/medical care/fire/ or health or police protection/other critical systems] in the City of Wauwatosa; and

WHEREAS, [STATE NECESSARY protections being provided. Examples: (removing traffic and pedestrians from the streets of Wauwatosa/limiting the supply of flammable materials/reducing access to certain facilities/clearing the roadways of parked vehicles and other obstructions/preserving resources for expected responses/protecting the safety of city-school-public employees] in the most expedient manner possible is necessary to reduce the possibility of safety risks related to such activity and to protect persons and property in the City of Wauwatosa; and

[FOR IMPOSITION OF CURFEW: WHEREAS, it is in the best interest of the City of Wauwatosa to enact a curfew by which pedestrian and vehicular traffic on the streets of the City, with the exception of citizens who are going to or from work, government officials, social service workers and credentialed members of the Press acting in their official capacity, is prohibited between the hours of [X]:00 p.m. on [DATE], through [X]:00 a.m. on [DATE], and between the hours of [X]:00 p.m. on each night thereafter, through [X]:00 a.m. on [DATE]; and]

[FOR LIMITING OVERNIGHT PARKING: WHEREAS, it is in the best interest of the City of Wauwatosa to prohibit overnight parking of vehicles and removing all possible traffic obstructions in order to protect and preserve the ability of emergency service providers to respond when and where necessary between the hours of [X]:00 p.m. on [DATE], and each night thereafter until [X]:00 a.m. on [DATE]; and]

[FOR CLOSURE OF GAS STATIONS: WHEREAS, it is in the best interest of the City of Wauwatosa to prohibit access to fuel and other readily combustible materials by closing gasoline stations and other facilities which provide access to materials which could be used to start or accelerate the burning of buildings and other property thereby potentially causing severe damage to property or injuries to people, and also by limiting the use or transportation of small containers used or capable of being used to transport and dispense such materials by persons seeking to cause damage of this type, between the hours of [X]:00 p.m. on [DATE], and each night/day thereafter until [X]:00 a.m. on [DATE]; and]

[FOR REDUCING OR SUSPENDING CITY OR OTHER GOVERNMENT SERVICES: WHEREAS, it is in the best interest of the City of Wauwatosa to suspend the conduct of [Define Specific CITY SERVICE] from access or use by members of the public during this state of emergency in order to protect the safety and integrity of city staff and resources and to continue the orderly functioning of city government and other government services beginning at [X]:00 p.m. on [DATE], and each night/day thereafter until [X]:00 a.m. on [DATE]; and]

[FOR CLOSING CITY BUILDINGS/FACILITIES/SCHOOLS: WHEREAS, it is in the best interest of the City of Wauwatosa to close all City of Wauwatosa/Wauwatosa School District facilities from access by members of the public during this state of emergency in order to protect the safety and integrity of the persons and resources necessary to continue the orderly functioning of city government and other government services (and to protect the ability to continue the education of children in the community) beginning at [X]:00 p.m. on [DATE], and each night/day thereafter until [X]:00 a.m. on [DATE]; and]

[FOR OTHER EMERGENCY ACTIONS REQUIRED: WHEREAS, it is in the best interest of the City of Wauwatosa to [what is being ordered] during this state of emergency in order to [what is being protected or preserved by this action] beginning at [X]:00 p.m. on [DATE], and each night/day thereafter until [X]:00 a.m. on [DATE]; and]

NOW, THEREFORE, I, Dennis McBride, Mayor of the City of Wauwatosa, under the authority granted to me by Wisconsin Statutes sections 323.11 and 323.14(4)(b), declare that the above conditions have given rise to [a riot or civil commotion/a disaster/an imminent threat of a disaster], which [impairs transportation/food or fuel supplies/medical care/fire/health/police protection/other critical systems] thereby creating a state of emergency in the City of Wauwatosa and the proclamation of an emergency is necessary and expedient for the health, safety and protection of the people and property in the City of Wauwatosa; and

FURTHERMORE, I hereby declare that the above-described actions necessary during this state of emergency to protect the property and persons within the City of Wauwatosa are hereby ordered to be implemented as therein described; and

FINALLY, this proclamation of an emergency shall be from today's date until [END DATE] at [TIME] and shall be subject to ratification, alteration, modification, or repeal by the Common Council as soon as the council can meet.

As Mayor of the City of Wauwatosa, I hereunto set my hand hereto this
____ day of _____, 2020.

Dennis McBride, Mayor

From: [Dennis McBride](#)
Sent: Thursday, September 17, 2020 7:45 PM
To: [Alan Kesner](#); [Hanna Kolberg](#); [James Archambo](#); [Barry Weber](#); [James Case](#); [Melissa Weiss](#); [Laura Conklin](#); [Laura Stephens](#); [Eva Ennamorato](#); [Joseph Roy](#)
Subject: Re: Emergency declaration civil unrest generic draft
Attachments: City - Emergency Declaration.9-17-20.docx

I've just revised the Proclamation a bit. The revised document is attached. The biggest substantive change is to add hardware stores and home improvement stores to the closure of facilities, like gas stations, that could sell fuel and other flammable materials to would-be troublemakers. Please let me know what you think.

Dennis R. McBride
Mayor, City of Wauwatosa
7725 West North Avenue
Wauwatosa, WI 53213
mayor@wauwatosa.net
(414) 479-8915

From: Alan Kesner
Sent: Thursday, September 17, 2020 6:47:33 PM
To: Dennis McBride; Hanna Kolberg; James Archambo; Barry Weber; James Case; Melissa Weiss; Laura Conklin; Laura Stephens; Eva Ennamorato; Joseph Roy
Subject: RE: Emergency declaration civil unrest generic draft

Yep, just wanted the language to be available in case it was there. This is designed to fill in blanks and take out the stuff we're not using. Easier than adding stuff in as we go.

Alan Kesner
Wauwatosa City Attorney
akesner@wauwatosa.net
414.479.8905

From: Dennis McBride <dmcbride@wauwatosa.net>
Sent: Thursday, September 17, 2020 6:46 PM
To: Alan Kesner <akesner@wauwatosa.net>; Hanna Kolberg <hkolberg@wauwatosa.net>; James Archambo <jarchambo@wauwatosa.net>; Barry Weber <bweber@wauwatosa.net>; James Case <jcase@wauwatosa.net>; Melissa Weiss <mweiss@wauwatosa.net>; Laura Conklin <lconklin@wauwatosa.net>; Laura Stephens <lstephens@wauwatosa.net>; Eva Ennamorato <eenamorato@wauwatosa.net>; Joseph Roy <jroy@wauwatosa.net>
Subject: Re: Emergency declaration civil unrest generic draft

I think I should talk to Superintendent Ertl before taking any action to shut down schools.

Dennis R. McBride
Mayor, City of Wauwatosa
7725 West North Avenue

Wauwatosa, WI 53213
mayor@wauwatosa.net
(414) 479-8915

From: Alan Kesner
Sent: Thursday, September 17, 2020 2:30:17 PM
To: Hanna Kolberg; James Archambo; Barry Weber; James Case; Dennis McBride; Melissa Weiss; Laura Conklin; Laura Stephens; Eva Ennamorato; Joseph Roy
Subject: RE: Emergency declaration civil unrest generic draft

Draft 2 attached. Slight changes after EOC meeting this afternoon

Alan Kesner
Wauwatosa City Attorney
akesner@wauwatosa.net
414.479.8905

From: Alan Kesner
Sent: Thursday, September 17, 2020 12:17 PM
To: Hanna Kolberg <hkolberg@wauwatosa.net>; James Archambo <jarchambo@wauwatosa.net>;
Barry Weber (<bweber@wauwatosa.net>) <bweber@wauwatosa.net>; James Case
<jcase@wauwatosa.net>; Dennis McBride <dmcbride@wauwatosa.net>; Melissa Weiss
<mweiss@wauwatosa.net>; Laura Conklin <lconklin@wauwatosa.net>; Laura Stephens
<lstephens@wauwatosa.net>
Subject: Emergency declaration civil unrest generic draft

I have put together a “generic” emergency declaration for the Mayor to use in the event of civil unrest, which outlines some of the most relevant possibilities and some of the potential options for actions/limitations throughout the City based upon the known possibilities. Hopefully, this can provide a basis for quickly declaring an emergency when necessary. This form is probably broader than will be needed in any particular situation, so sections can be removed or modified as necessary, and it also provides a template paragraph for additional emergency actions which may be deemed necessary based upon any specific situation which might arise.

I figure this is a good form for us to have “in the toolkit” in order to best be prepared for any such possibility should it arise.

Please provide any feedback/questions/ concerns/suggestions if you notice anything which would be helpful or useful to have in this generic form. Feel free to share with others in your departments who may have additional input or suggestions.

Alan Kesner
Wauwatosa City Attorney
akesner@wauwatosa.net
414.479.8905

MAYORAL PROCLAMATION/GENERIC DRAFT FOR POSSIBLE USE IN THE EVENT OF CIVIL UNREST:

[ADD OR REMOVE SECTIONS AS NECESSARY TO ADDRESS CONDITIONS BASED UPON SPECIFIC SITUATION WHICH MAY BE ARISING]

[Create Final version for execution on Mayoral letterhead or as a formal proclamation with City Seal]

Drafted September 17, 2020, by Alan Kesner, Wauwatosa City Attorney

PROCLAMATION OF EMERGENCY

WHEREAS, on [DATE], 2020, the Wauwatosa [Police/Fire/Health] Department has confirmed that an emergency exists in the City of Wauwatosa due to [*unrest in the Milwaukee area/or insert facts describing other more specific situations*] which creates concerns for the safety of persons and property and impairs [*Choose all that apply: transportation/food or fuel supplies/medical care/fire/ or health or police protection/other critical systems*] in Wauwatosa; and

WHEREAS, [*STATE NECESSARY protections being provided. Examples: (removing traffic and pedestrians from Wauwatosa streets/limiting the supply of flammable materials/reducing access to certain facilities/clearing the roadways of parked vehicles and other obstructions/preserving resources for expected responses/protecting the safety of city-school-public employees)*] in the most expedient manner possible is necessary to reduce safety risks related to such activity and to protect persons and property in Wauwatosa; and

[*FOR IMPOSITION OF CURFEW: WHEREAS, it is in the City of Wauwatosa's best interest to enact a curfew by which pedestrian and vehicular traffic on Wauwatosa streets – except for persons who are going to or from work and government officials, social service workers, and credentialed members of the press acting in their official capacities – is prohibited between the hours of __:00 p.m. on _____, 2020, through 6:00 a.m. on _____, 2020, and between the hours of 7:00 p.m. and 6:00 a.m. on each night thereafter through _____, 2020; and]*]

[*FOR LIMITING OVERNIGHT PARKING: WHEREAS, it is in the City of Wauwatosa's best interest to prohibit overnight parking of vehicles and remove all possible traffic obstructions in Wauwatosa to protect and preserve the ability of emergency service providers to respond when and where necessary between the hours of __:00 p.m. on _____, 2020, and each night thereafter until 6:00 a.m. on _____, 2020; and]*]

[*FOR CLOSURE OF GAS STATIONS, ETC.: WHEREAS, it is in the City of Wauwatosa's best interest to prohibit access to fuel and other readily combustible materials by closing gasoline stations, hardware stores, home improvement stores, and other facilities in Wauwatosa which provide access to materials which could be used to start or accelerate the burning of buildings and other property and thereby potentially cause injuries to people or damage to property, and also by limiting the use or transportation of containers used or capable of being used to transport and dispense such materials by persons seeking to cause damage of this type, between the hours of __:00 p.m. on _____, 2020, and each night/day thereafter until __:00 a.m. on _____, 2020; and]*]

[*FOR REDUCING OR SUSPENDING CITY OR OTHER GOVERNMENT SERVICES*: WHEREAS, it is in the City of Wauwatosa's best interest to suspend [*specific city services*] from access or use by members of the public to protect the safety and integrity of City staff and resources and to continue the orderly functioning of City government and other government services beginning at __:00 p.m. on _____, 2020, and each night/day thereafter until __:00 a.m. on _____, 2020; and]

[*FOR CLOSING CITY BUILDINGS/FACILITIES/SCHOOLS*: WHEREAS, it is in the City of Wauwatosa's best interest to close all City of Wauwatosa [*and Wauwatosa School District*] facilities to access by members of the public to protect the safety of the persons and resources necessary to continue the orderly functioning of City government and other government services [*and to protect the ability of Wauwatosa's schools to continue the education of the community's children*] beginning at __:00 p.m. on _____, 2020, and each night/day thereafter until __:00 a.m. on _____, 2020; and]

[*FOR OTHER EMERGENCY ACTIONS REQUIRED*: WHEREAS, it is in the City of Wauwatosa's best interest to [*what is being ordered*] during this state of emergency to [*what is being protected or preserved by this action*] beginning at __:00 p.m. on _____, 2020, and each night and day thereafter until __:00 a.m. on _____, 2020; and]

NOW, THEREFORE, I, Dennis R. McBride, Mayor of the City of Wauwatosa, under the authority granted to me by Sections 323.11 and 323.14(4)(b) of the Wisconsin Statutes, declare that the above conditions have given rise to [*a riot or civil commotion/a disaster/an imminent threat of a disaster*], which [*impairs transportation/food or fuel supplies/medical care/fire/health/police protection/other critical systems*] and have thereby created a state of emergency in Wauwatosa, and that the proclamation of an emergency is necessary and expedient for the health, safety, and protection of people and property in Wauwatosa; and

FURTHERMORE, I hereby declare that the above-described actions necessary during this state of emergency to protect people and property within Wauwatosa are hereby ordered to be implemented as described above; and

FINALLY, I hereby declare that this proclamation of an emergency shall extend from today's date until _____, 2020, at __:00 [a.m./p.m.] and shall be subject to ratification, alteration, modification, or repeal by the Wauwatosa Common Council as soon as that Council can meet.

As Mayor of the City of Wauwatosa, I hereunto set my hand hereto this
____ day of _____, 2020.

Dennis R. McBride, Mayor

From: [Alan Kesner](#)
Sent: Thursday, September 24, 2020 12:25 PM
To: [Dennis McBride](#)
Cc: [James Case](#)
Subject: RE: DA Operational Update-CONFIDENTIAL
Attachments: City - Emergency Declaration DRAFT 9-17-20.docx

Here you go, Mayor.

Chief, we need to make sure that the Mayor has access to the EOC folder.

Alan Kesner
Wauwatosa City Attorney
akesner@wauwatosa.net
414.479.8905

From: Dennis McBride <dmcbride@wauwatosa.net>
Sent: Thursday, September 24, 2020 12:24 PM
To: Alan Kesner <akesner@wauwatosa.net>
Subject: Re: DA Operational Update-CONFIDENTIAL

It doesn't allow me another path. Could you just send it as a regular attachment?

Dennis R. McBride
Mayor, City of Wauwatosa
7725 West North Avenue
Wauwatosa, WI 53213
mayor@wauwatosa.net
(414) 479-8915

From: Alan Kesner
Sent: Thursday, September 24, 2020 10:15:02 AM
To: Dennis McBride; Luke Vetter; James Archambo
Cc: Barry Weber; Michael Schultz; Jack Morrison; Abby L. Pavlik; Joseph Roy
Subject: RE: DA Operational Update-CONFIDENTIAL

That might be a security setting in Outlook. Try going in to that file path through file explorer, I think.

S:\EOC\Emergency Management\EOC Forms\Tosa EOC

Alan Kesner
Wauwatosa City Attorney
akesner@wauwatosa.net
414.479.8905

From: Dennis McBride <dmcbride@wauwatosa.net>
Sent: Thursday, September 24, 2020 10:10 AM
To: Alan Kesner <akesner@wauwatosa.net>; Luke Vetter <lvetter@wauwatosa.net>; James Archambo

<jarchambo@wauwatosa.net>

Cc: Barry Weber <bweber@wauwatosa.net>; Michael Schultz <mschultz@wauwatosa.net>; Jack Morrison <jmorrison@wauwatosa.net>; Abby L. Pavlik <apavlik@wauwatosa.net>; Joseph Roy <jroy@wauwatosa.net>

Subject: Re: DA Operational Update-CONFIDENTIAL

My access to your attachment is blocked. Can you undo the block, Alan?

Dennis R. McBride
Mayor, City of Wauwatosa
7725 West North Avenue
Wauwatosa, WI 53213
mayor@wauwatosa.net
(414) 479-8915

From: Alan Kesner
Sent: Thursday, September 24, 2020 10:08:45 AM
To: Dennis McBride; Luke Vetter; James Archambo
Cc: Barry Weber; Michael Schultz; Jack Morrison; Abby L. Pavlik; Joseph Roy
Subject: RE: DA Operational Update-CONFIDENTIAL

I did make a couple of small tweaks to the Draft declaration. Remember, it has "extra" stuff in there in case there are items we feel we do not need, and a few blank spaces to be filled in before it is actually executed.

Attached is a link to the latest draft, located in the folder S:\EOC\Emergency Management\EOC Forms\Tosa EOC

Alan Kesner
Wauwatosa City Attorney
akesner@wauwatosa.net
414.479.8905

From: Dennis McBride <dmcbride@wauwatosa.net>
Sent: Thursday, September 24, 2020 9:27 AM
To: Luke Vetter <lvetter@wauwatosa.net>; James Archambo <jarchambo@wauwatosa.net>
Cc: Barry Weber <bweber@wauwatosa.net>; Michael Schultz <mschultz@wauwatosa.net>; Jack Morrison <jmorrison@wauwatosa.net>; Abby L. Pavlik <apavlik@wauwatosa.net>; Joseph Roy <jroy@wauwatosa.net>; Alan Kesner <akesner@wauwatosa.net>
Subject: Re: DA Operational Update-CONFIDENTIAL

Thanks for the information, Captain. The approach to the State Reps that you suggest is the one I intended to take, if they actually care enough to call me. I appreciate all that you and the WPD are doing to prepare for what will be a difficult time. My goal, and yours, is to make sure that no one gets hurt.

I spoke to the DA yesterday. He did not indicate when he will issue his decision. I am prepared to sign the emergency declaration as soon as necessary.

Dennis R. McBride
Mayor, City of Wauwatosa
7725 West North Avenue
Wauwatosa, WI 53213
mayor@wauwatosa.net
(414) 479-8915

From: Luke Vetter
Sent: Thursday, September 24, 2020 8:28:54 AM
To: Dennis McBride; James Archambo
Cc: Barry Weber; Michael Schultz; Jack Morrison; Abby L. Pavlik; Joseph Roy; Alan Kesner
Subject: DA Operational Update-CONFIDENTIAL

Mayor and Jim-

The PD and City EOC continue to meet and pin down operational plans for the DA announcement. We are very prepared. Mayor, I know that State Reps. Hutton and Kooyenga sent a letter to you, requesting National Guard resources.

Know that we have had several meetings with the NG, with more to come in the next days, to stage and have NG forces here in Tosa....they will be here on day 1 of this incident (CONFIDENTIAL). However, disclosing this publicly in a response to the State Reps, or the public in general, **would compromise our operations**. We do not want the protest element knowing our plans and preparation level – this would be a risk to Officer safety. This is especially important since we know there are Antifa and out of state agitators in Milwaukee. Two Officers were shot in Louisville KY last night during their protests.

Capt. Morrison and Melissa spoke last night – the PD will not be responding to the State Reps. However, it would be appropriate for Melissa/city to include in a response, if you were planning to do so, **ONLY indicating that “the Wauwatosa Police Department is fully prepared to respond to civil unrest.”**

As for other Operational updates, we continue to refine our plans and have things lined up: vehicles, officers, soldiers, equipment, radios, incident management teams, County and State, NG resources. I don't believe I will have time to meet this week to provide our “weekly” update. I hope this email suffices to do so.

Lastly, we will need the emergency declaration signed by you that Alan has prepared as soon as we hear from the DA, and I will send it out to the OEM and NG to officially move their resources into Tosa.

Contact me with any questions. I appreciate you keeping the details of this operation confidential.

CC: WUPD PIO Office

Captain Luke Vetter
Operations Bureau
Wauwatosa Police Department
1700 N 116th St

Wauwatosa, WI 53226

Phone: 414-607-7072

Fax: 414-471-8447

E-Mail: lvetter@wauwatosa.net

MAYORAL PROCLAMATION/GENERIC DRAFT FOR POSSIBLE USE IN THE EVENT OF CIVIL UNREST:

[ADD OR REMOVE SECTIONS AS NECESSARY TO ADDRESS CONDITIONS BASED UPON SPECIFIC SITUATION WHICH MAY BE ARISING]

[Create Final version for execution on Mayoral letterhead or as a formal proclamation with City Seal]

Drafted September 17, 2020, by Alan Kesner, Wauwatosa City Attorney

PROCLAMATION OF EMERGENCY

WHEREAS, on [DATE], 2020, the Wauwatosa [Police/Fire/Health] Department has confirmed that an emergency exists in the City of Wauwatosa due to [*unrest in the Milwaukee area/or insert facts describing other more specific situations*] which creates concerns for the safety of persons and property and impairs [*Choose all that apply: transportation/food or fuel supplies/medical care/fire/ or health or police protection/other critical systems*] in Wauwatosa; and

WHEREAS, [*STATE NECESSARY protections being provided. Examples: (removing traffic and pedestrians from Wauwatosa streets/limiting the supply of flammable materials/reducing access to certain facilities/clearing the roadways of parked vehicles and other obstructions/preserving resources for expected responses/protecting the safety of city-school-public employees)*] in the most expedient manner possible is necessary to reduce safety risks related to such activity and to protect persons and property in Wauwatosa; and

[*FOR IMPOSITION OF CURFEW: WHEREAS, it is in the City of Wauwatosa's best interest to enact a curfew by which pedestrian and vehicular traffic on Wauwatosa streets – except for persons who are going to or from work and government officials, social service workers, and credentialed members of the press acting in their official capacities – is prohibited between the hours of __:00 p.m. on _____, 2020, through 6:00 a.m. on _____, 2020, and between the hours of 7:00 p.m. and 6:00 a.m. on each night thereafter through _____, 2020; and]*]

[*FOR LIMITING OVERNIGHT PARKING: WHEREAS, it is in the City of Wauwatosa's best interest to prohibit overnight parking of vehicles and remove all possible traffic obstructions in Wauwatosa to protect and preserve the ability of emergency service providers to respond when and where necessary between the hours of __:00 p.m. on _____, 2020, and each night thereafter until 6:00 a.m. on _____, 2020; and]*]

[*FOR CLOSURE OF GAS STATIONS, ETC.: WHEREAS, it is in the City of Wauwatosa's best interest to prohibit access to fuel and other readily combustible materials by closing gasoline stations, hardware stores, home improvement stores, and other facilities in Wauwatosa which provide access to materials which could be used to start or accelerate the burning of buildings and other property and thereby potentially cause injuries to people or damage to property, and also by limiting the use or transportation of containers used or capable of being used to transport and dispense such materials by persons seeking to cause damage of this type, between the hours of __:00 p.m. on _____, 2020, and each night/day thereafter until __:00 a.m. on _____, 2020; and]*]

[*FOR REDUCING OR SUSPENDING CITY OR OTHER GOVERNMENT SERVICES*: WHEREAS, it is in the City of Wauwatosa's best interest to suspend [*specific city services*] from access or use by members of the public to protect the safety and integrity of City staff and resources and to continue the orderly functioning of City government and other government services beginning at __:00 p.m. on _____, 2020, and each night/day thereafter until __:00 a.m. on _____, 2020; and]

[*FOR CLOSING CITY BUILDINGS/FACILITIES/SCHOOLS*: WHEREAS, it is in the City of Wauwatosa's best interest to close all City of Wauwatosa [*and Wauwatosa School District*] facilities to access by members of the public to protect the safety of the persons and resources necessary to continue the orderly functioning of City government and other government services [*and to protect the ability of Wauwatosa's schools to continue the education of the community's children*], which may result in certain City services, including dispatch and response of some City resources, becoming temporarily unavailable, beginning at __:00 p.m. on _____, 2020, and each night/day thereafter until __:00 a.m. on _____, 2020; and]

[*FOR OTHER EMERGENCY ACTIONS REQUIRED*: WHEREAS, it is in the City of Wauwatosa's best interest to [*what is being ordered*] during this state of emergency to [*what is being protected or preserved by this action*] beginning at __:00 p.m. on _____, 2020, and each night and day thereafter until __:00 a.m. on _____, 2020; and]

NOW, THEREFORE, I, Dennis R. McBride, Mayor of the City of Wauwatosa, under the authority granted to me by Sections 323.11 and 323.14(4)(b) of the Wisconsin Statutes, declare that the above conditions have given rise to [*a riot or civil commotion/a disaster/an imminent threat of a disaster*], which [*impairs transportation/food or fuel supplies/medical care/fire/health/police protection/other critical systems*] and have thereby created a state of emergency in Wauwatosa, and that the proclamation of an emergency is necessary and expedient for the health, safety, and protection of people and property in Wauwatosa; and

FURTHERMORE, I hereby declare that the above-described actions necessary during this state of emergency to protect people and property within Wauwatosa are hereby ordered to be implemented as described above; and

FINALLY, I hereby declare that this proclamation of an emergency shall extend from today's date until _____, 2020, at __:00 [a.m./p.m.] and shall be subject to ratification, alteration, modification, or repeal by the Wauwatosa Common Council as soon as that Council can meet.

As Mayor of the City of Wauwatosa, I hereunto set my hand hereto this
____ day of _____, 2020.

Dennis R. McBride, Mayor

From: [James Archambo](#)
Sent: Tuesday, September 29, 2020 10:18 PM
To: [Luke Vetter](#)
Cc: [Barry Weber](#)
Subject: FW: DA Operational Update-CONFIDENTIAL
Attachments: City - Emergency Declaration DRAFT 9-17-20.docx

Luke,
Do you or have you seen the most current “Proclamation of Emergency”? it is in the EOC file but I am also attaching it here. I would believe you’ve seen it but I want to be sure any and all contingencies are provided for.

James Archambo
City Administrator
Wauwatosa, WI

From: Dennis McBride <dmcbride@wauwatosa.net>
Sent: Thursday, 24 September, 2020 9:27 AM
To: Luke Vetter <lvetter@wauwatosa.net>; James Archambo <jarchambo@wauwatosa.net>
Cc: Barry Weber <bweber@wauwatosa.net>; Michael Schultz <mschultz@wauwatosa.net>; Jack Morrison <jmorrison@wauwatosa.net>; Abby L. Pavlik <apavlik@wauwatosa.net>; Joseph Roy <jroy@wauwatosa.net>; Alan Kesner <akesner@wauwatosa.net>
Subject: Re: DA Operational Update-CONFIDENTIAL

Thanks for the information, Captain. The approach to the State Reps that you suggest is the one I intended to take, if they actually care enough to call me. I appreciate all that you and the WPD are doing to prepare for what will be a difficult time. My goal, and yours, is to make sure that no one gets hurt.

I spoke to the DA yesterday. He did not indicate when he will issue his decision. I am prepared to sign the emergency declaration as soon as necessary.

Dennis R. McBride
Mayor, City of Wauwatosa
7725 West North Avenue
Wauwatosa, WI 53213
mayor@wauwatosa.net
(414) 479-8915

From: Luke Vetter
Sent: Thursday, September 24, 2020 8:28:54 AM
To: Dennis McBride; James Archambo
Cc: Barry Weber; Michael Schultz; Jack Morrison; Abby L. Pavlik; Joseph Roy; Alan Kesner
Subject: DA Operational Update-CONFIDENTIAL

Mayor and Jim-

The PD and City EOC continue to meet and pin down operational plans for the DA announcement. We are very prepared. Mayor, I know that State Reps. Hutton and Kooyenga sent a letter to you, requesting National Guard resources.

Know that we have had several meetings with the NG, with more to come in the next days, to stage and have NG forces here in Tosa....they will be here on day 1 of this incident (CONFIDENTIAL). However, disclosing this publicly in a response to the State Reps, or the public in general, **would compromise our operations**. We do not want the protest element knowing our plans and preparation level – this would be a risk to Officer safety. This is especially important since we know there are Antifa and out of state agitators in Milwaukee. Two Officers were shot in Louisville KY last night during their protests.

Capt. Morrison and Melissa spoke last night – the PD will not be responding to the State Reps. However, it would be appropriate for Melissa/city to include in a response, if you were planning to do so, **ONLY indicating that “the Wauwatosa Police Department is fully prepared to respond to civil unrest.”**

As for other Operational updates, we continue to refine our plans and have things lined up: vehicles, officers, soldiers, equipment, radios, incident management teams, County and State, NG resources. I don't believe I will have time to meet this week to provide our “weekly” update. I hope this email suffices to do so.

Lastly, we will need the emergency declaration signed by you that Alan has prepared as soon as we hear from the DA, and I will send it out to the OEM and NG to officially move their resources into Tosa.

Contact me with any questions. I appreciate you keeping the details of this operation confidential.

CC: WUPD PIO Office

Captain Luke Vetter
Operations Bureau
Wauwatosa Police Department
1700 N 116th St
Wauwatosa, WI 53226

Phone: 414-607-7072
Fax: 414-471-8447
E-Mail: lvetter@wauwatosa.net

MAYORAL PROCLAMATION/GENERIC DRAFT FOR POSSIBLE USE IN THE EVENT OF CIVIL UNREST:

[ADD OR REMOVE SECTIONS AS NECESSARY TO ADDRESS CONDITIONS BASED UPON SPECIFIC SITUATION WHICH MAY BE ARISING]

[Create Final version for execution on Mayoral letterhead or as a formal proclamation with City Seal]

Drafted September 17, 2020, by Alan Kesner, Wauwatosa City Attorney

PROCLAMATION OF EMERGENCY

WHEREAS, on [DATE], 2020, the Wauwatosa [Police/Fire/Health] Department has confirmed that an emergency exists in the City of Wauwatosa due to [*unrest in the Milwaukee area/or insert facts describing other more specific situations*] which creates concerns for the safety of persons and property and impairs [*Choose all that apply: transportation/food or fuel supplies/medical care/fire/ or health or police protection/other critical systems*] in Wauwatosa; and

WHEREAS, [*STATE NECESSARY protections being provided. Examples: (removing traffic and pedestrians from Wauwatosa streets/limiting the supply of flammable materials/reducing access to certain facilities/clearing the roadways of parked vehicles and other obstructions/preserving resources for expected responses/protecting the safety of city-school-public employees)*] in the most expedient manner possible is necessary to reduce safety risks related to such activity and to protect persons and property in Wauwatosa; and

[*FOR IMPOSITION OF CURFEW: WHEREAS, it is in the City of Wauwatosa's best interest to enact a curfew by which pedestrian and vehicular traffic on Wauwatosa streets – except for persons who are going to or from work and government officials, social service workers, and credentialed members of the press acting in their official capacities – is prohibited between the hours of __:00 p.m. on _____, 2020, through 6:00 a.m. on _____, 2020, and between the hours of 7:00 p.m. and 6:00 a.m. on each night thereafter through _____, 2020; and]*]

[*FOR LIMITING OVERNIGHT PARKING: WHEREAS, it is in the City of Wauwatosa's best interest to prohibit overnight parking of vehicles and remove all possible traffic obstructions in Wauwatosa to protect and preserve the ability of emergency service providers to respond when and where necessary between the hours of __:00 p.m. on _____, 2020, and each night thereafter until 6:00 a.m. on _____, 2020; and]*]

[*FOR CLOSURE OF GAS STATIONS, ETC.: WHEREAS, it is in the City of Wauwatosa's best interest to prohibit access to fuel and other readily combustible materials by closing gasoline stations, hardware stores, home improvement stores, and other facilities in Wauwatosa which provide access to materials which could be used to start or accelerate the burning of buildings and other property and thereby potentially cause injuries to people or damage to property, and also by limiting the use or transportation of containers used or capable of being used to transport and dispense such materials by persons seeking to cause damage of this type, between the hours of __:00 p.m. on _____, 2020, and each night/day thereafter until __:00 a.m. on _____, 2020; and]*]

[*FOR REDUCING OR SUSPENDING CITY OR OTHER GOVERNMENT SERVICES*: WHEREAS, it is in the City of Wauwatosa's best interest to suspend [*specific city services*] from access or use by members of the public to protect the safety and integrity of City staff and resources and to continue the orderly functioning of City government and other government services beginning at __:00 p.m. on _____, 2020, and each night/day thereafter until __:00 a.m. on _____, 2020; and]

[*FOR CLOSING CITY BUILDINGS/FACILITIES/SCHOOLS*: WHEREAS, it is in the City of Wauwatosa's best interest to close all City of Wauwatosa [*and Wauwatosa School District*] facilities to access by members of the public to protect the safety of the persons and resources necessary to continue the orderly functioning of City government and other government services [*and to protect the ability of Wauwatosa's schools to continue the education of the community's children*], which may result in certain City services, including dispatch and response of some City resources, becoming temporarily unavailable, beginning at __:00 p.m. on _____, 2020, and each night/day thereafter until __:00 a.m. on _____, 2020; and]

[*FOR OTHER EMERGENCY ACTIONS REQUIRED*: WHEREAS, it is in the City of Wauwatosa's best interest to [*what is being ordered*] during this state of emergency to [*what is being protected or preserved by this action*] beginning at __:00 p.m. on _____, 2020, and each night and day thereafter until __:00 a.m. on _____, 2020; and]

NOW, THEREFORE, I, Dennis R. McBride, Mayor of the City of Wauwatosa, under the authority granted to me by Sections 323.11 and 323.14(4)(b) of the Wisconsin Statutes, declare that the above conditions have given rise to [*a riot or civil commotion/a disaster/an imminent threat of a disaster*], which [*impairs transportation/food or fuel supplies/medical care/fire/health/police protection/other critical systems*] and have thereby created a state of emergency in Wauwatosa, and that the proclamation of an emergency is necessary and expedient for the health, safety, and protection of people and property in Wauwatosa; and

FURTHERMORE, I hereby declare that the above-described actions necessary during this state of emergency to protect people and property within Wauwatosa are hereby ordered to be implemented as described above; and

FINALLY, I hereby declare that this proclamation of an emergency shall extend from today's date until _____, 2020, at __:00 [a.m./p.m.] and shall be subject to ratification, alteration, modification, or repeal by the Wauwatosa Common Council as soon as that Council can meet.

As Mayor of the City of Wauwatosa, I hereunto set my hand hereto this
____ day of _____, 2020.

Dennis R. McBride, Mayor

From: [Alan Kesner](#)
Sent: Wednesday, September 30, 2020 12:54 PM
To: [Dennis McBride](#)
Cc: [Hanna Kolberg](#)
Subject: CONFIDENTIAL - Draft Declaration
Attachments: 00015978.docx

Here is the draft of an emergency declaration as described. Might have repetitive elements but covers all that we need, I believe.

Mayor, give me a call when you have had a chance to review it.

[Create Final version for execution on Mayoral letterhead]

Drafted September 30, 2020

PROCLAMATION OF EMERGENCY

WHEREAS, the Wauwatosa Police Department has been informed that, on October 7, 2020, the Milwaukee County District Attorney will be releasing his findings in the matter of the investigation of Officer Joseph Mensah regarding the killing of Alvin Cole in the City of Wauwatosa in February, 2020; and

WHEREAS, based upon recent experience with activity protesting the continued employment of Officer Mensah in the City of Wauwatosa and upon community response to decisions and actions regarding police officers nationwide, most recently in Kenosha, Wisconsin and Louisville, Kentucky, it is anticipated that an emergency will exist in the City of Wauwatosa due to conditions which will arise following that announcement, including civil commotion throughout the City of Wauwatosa which creates concerns for the safety of persons and property and will impair transportation, health or police protection and other critical systems in Wauwatosa; and

WHEREAS, in order to protect the systems and services described above, including the safety of persons and property, it will be necessary to remove traffic and pedestrians from Wauwatosa streets, limit the supply of flammable materials, reduce access to certain facilities, preserving resources for expected responses and protect the safety of public employees, in the most expedient manner possible to reduce safety risks related to such activity and to protect persons and property in Wauwatosa; and

WHEREAS, it is in the City of Wauwatosa's best interest to enact a curfew by which pedestrian and vehicular traffic on Wauwatosa streets – except for persons who are going to or from work and government officials, social service workers, and credentialed members of the press acting in their official capacities – is prohibited between the hours of 7:00 p.m. on October 7, 2020, through 6:00 a.m. on October 8, 2020, and between the hours of 7:00 p.m. and 6:00 a.m. on each night thereafter through October 11, 2020; and

WHEREAS, it is in the City of Wauwatosa's best interest to prohibit overnight parking of vehicles and remove all possible traffic obstructions in Wauwatosa to protect and preserve the ability of emergency service providers to respond when and where necessary between the hours of 7:00 p.m. on October 7, 2020, and each night thereafter until 6:00 a.m. on October 11, 2020; and

WHEREAS, it is in the City of Wauwatosa's best interest to prohibit access to fuel and other readily combustible materials by closing gasoline stations, hardware stores, home improvement stores, and other facilities in Wauwatosa which provide access to materials which could be used to start or accelerate the burning of buildings and other property and thereby potentially cause injuries to people or damage to property, and also by limiting the use or transportation of containers used or capable of being used to transport and dispense such materials by persons seeking to cause damage of this type, between the hours of 7:00 p.m. on October 7, 2020, and each night/day thereafter until 6:00 a.m. on October 11, 2020; and

WHEREAS, it is in the City of Wauwatosa's best interest to suspend City Hall and Public Library services from access or use by members of the public, and to conduct any scheduled public meetings in a fully virtual manner during this state of emergency, to protect the safety and integrity of City staff and resources and to continue the orderly functioning of City government and other government services beginning at 7:00 p.m. on October 7, 2020, and each night/day thereafter until 6:00 a.m. on October 11, 2020; and

WHEREAS, it is in the City of Wauwatosa's best interest to close all City of Wauwatosa [*and Wauwatosa School District*] facilities to access by members of the public to protect the safety of the persons and resources necessary to continue the orderly functioning of City government and other government services [*and to protect the ability of Wauwatosa's schools to continue the education of the community's children*], which may result in certain City services, including dispatch and response of some City resources, becoming temporarily unavailable, beginning at 7:00 p.m. on October 7, 2020, and each night/day thereafter until 6:00 a.m. on October 11, 2020; and

NOW, THEREFORE, I, Dennis R. McBride, Mayor of the City of Wauwatosa, under the authority granted to me by Sections 323.11 and 323.14(4)(b) of the Wisconsin Statutes, declare that the above conditions will be likely to give rise to and create an imminent threat of a riot or civil commotion which will impairs transportation, fire, health, and police protection and operation of other critical systems and will thereby create a state of emergency in Wauwatosa, and that the proclamation of an emergency is necessary and expedient for the health, safety, and protection of people and property in Wauwatosa; and

FURTHERMORE, I hereby declare that the above-described actions necessary during this state of emergency to protect people and property within Wauwatosa are hereby ordered to be implemented as described above; and

FINALLY, I hereby declare that this proclamation of an emergency shall extend from October 7 at 12:00 noon until October 11, 2020, at 6:00 a.m. and shall be subject to ratification, alteration, modification, or repeal by the Wauwatosa Common Council as soon as that Council can meet.

As Mayor of the City of Wauwatosa, I hereunto set my hand hereto this
____ day of _____, 2020.

Dennis R. McBride, Mayor

From: [Alan Kesner](#)
Sent: Wednesday, September 30, 2020 12:58 PM
To: [Luke Vetter](#)
Subject: CONFIDENTIAL Draft Declaration
Attachments: 00015978.docx

Luke:

I just sent this to the Mayor and Hanna to review. I'm sure it will get edited. Does this cover the things you need?

[Create Final version for execution on Mayoral letterhead]

Drafted September 30, 2020

PROCLAMATION OF EMERGENCY

WHEREAS, the Wauwatosa Police Department has been informed that, on October 7, 2020, the Milwaukee County District Attorney will be releasing his findings in the matter of the investigation of Officer Joseph Mensah regarding the killing of Alvin Cole in the City of Wauwatosa in February, 2020; and

WHEREAS, based upon recent experience with activity protesting the continued employment of Officer Mensah in the City of Wauwatosa and upon community response to decisions and actions regarding police officers nationwide, most recently in Kenosha, Wisconsin and Louisville, Kentucky, it is anticipated that an emergency will exist in the City of Wauwatosa due to conditions which will arise following that announcement, including civil commotion throughout the City of Wauwatosa which creates concerns for the safety of persons and property and will impair transportation, health or police protection and other critical systems in Wauwatosa; and

WHEREAS, in order to protect the systems and services described above, including the safety of persons and property, it will be necessary to remove traffic and pedestrians from Wauwatosa streets, limit the supply of flammable materials, reduce access to certain facilities, preserving resources for expected responses and protect the safety of public employees, in the most expedient manner possible to reduce safety risks related to such activity and to protect persons and property in Wauwatosa; and

WHEREAS, it is in the City of Wauwatosa's best interest to enact a curfew by which pedestrian and vehicular traffic on Wauwatosa streets – except for persons who are going to or from work and government officials, social service workers, and credentialed members of the press acting in their official capacities – is prohibited between the hours of 7:00 p.m. on October 7, 2020, through 6:00 a.m. on October 8, 2020, and between the hours of 7:00 p.m. and 6:00 a.m. on each night thereafter through October 11, 2020; and

WHEREAS, it is in the City of Wauwatosa's best interest to prohibit overnight parking of vehicles and remove all possible traffic obstructions in Wauwatosa to protect and preserve the ability of emergency service providers to respond when and where necessary between the hours of 7:00 p.m. on October 7, 2020, and each night thereafter until 6:00 a.m. on October 11, 2020; and

WHEREAS, it is in the City of Wauwatosa's best interest to prohibit access to fuel and other readily combustible materials by closing gasoline stations, hardware stores, home improvement stores, and other facilities in Wauwatosa which provide access to materials which could be used to start or accelerate the burning of buildings and other property and thereby potentially cause injuries to people or damage to property, and also by limiting the use or transportation of containers used or capable of being used to transport and dispense such materials by persons seeking to cause damage of this type, between the hours of 7:00 p.m. on October 7, 2020, and each night/day thereafter until 6:00 a.m. on October 11, 2020; and

WHEREAS, it is in the City of Wauwatosa's best interest to suspend City Hall and Public Library services from access or use by members of the public, and to conduct any scheduled public meetings in a fully virtual manner during this state of emergency, to protect the safety and integrity of City staff and resources and to continue the orderly functioning of City government and other government services beginning at 7:00 p.m. on October 7, 2020, and each night/day thereafter until 6:00 a.m. on October 11, 2020; and

WHEREAS, it is in the City of Wauwatosa's best interest to close all City of Wauwatosa [*and Wauwatosa School District*] facilities to access by members of the public to protect the safety of the persons and resources necessary to continue the orderly functioning of City government and other government services [*and to protect the ability of Wauwatosa's schools to continue the education of the community's children*], which may result in certain City services, including dispatch and response of some City resources, becoming temporarily unavailable, beginning at 7:00 p.m. on October 7, 2020, and each night/day thereafter until 6:00 a.m. on October 11, 2020; and

NOW, THEREFORE, I, Dennis R. McBride, Mayor of the City of Wauwatosa, under the authority granted to me by Sections 323.11 and 323.14(4)(b) of the Wisconsin Statutes, declare that the above conditions will be likely to give rise to and create an imminent threat of a riot or civil commotion which will impairs transportation, fire, health, and police protection and operation of other critical systems and will thereby create a state of emergency in Wauwatosa, and that the proclamation of an emergency is necessary and expedient for the health, safety, and protection of people and property in Wauwatosa; and

FURTHERMORE, I hereby declare that the above-described actions necessary during this state of emergency to protect people and property within Wauwatosa are hereby ordered to be implemented as described above; and

FINALLY, I hereby declare that this proclamation of an emergency shall extend from October 7 at 12:00 noon until October 11, 2020, at 6:00 a.m. and shall be subject to ratification, alteration, modification, or repeal by the Wauwatosa Common Council as soon as that Council can meet.

As Mayor of the City of Wauwatosa, I hereunto set my hand hereto this
____ day of _____, 2020.

Dennis R. McBride, Mayor

From: [Dennis McBride](#)
Sent: Wednesday, September 30, 2020 1:47 PM
To: [Alan Kesner](#)
Cc: [Hanna Kolberg](#)
Subject: Re: CONFIDENTIAL - Draft Declaration
Attachments: City - emergency declaration.9-30-20.docx

My revised draft is attached.

Dennis R. McBride
Mayor, City of Wauwatosa
7725 West North Avenue
Wauwatosa, WI 53213
mayor@wauwatosa.net
(414) 479-8915

From: Alan Kesner
Sent: Wednesday, September 30, 2020 12:54:18 PM
To: Dennis McBride
Cc: Hanna Kolberg
Subject: CONFIDENTIAL - Draft Declaration

Here is the draft of an emergency declaration as described. Might have repetitive elements but covers all that we need, I believe.

Mayor, give me a call when you have had a chance to review it.

[Create Final version for execution on Mayoral letterhead]

Drafted September 30, 2020

PROCLAMATION OF EMERGENCY

WHEREAS, the Wauwatosa Police Department ("WPD") has been informed that on October 7, 2020, the Milwaukee County District Attorney will release his findings in the matter of the investigation of Officer Joseph Mensah regarding the killing of Alvin Cole in the City of Wauwatosa in February 2020; and

WHEREAS, based upon recent experience with protests concerning the continued employment of Officer Mensah by the WPD and upon community response to decisions and actions regarding police officers nationwide, most recently in Kenosha, Wisconsin, and Louisville, Kentucky, it is anticipated that an emergency will exist in the City of Wauwatosa due to conditions which will arise following that announcement, including civil unrest throughout Wauwatosa which creates concerns for the safety of persons and property and will impair transportation, health, and police protection and other critical systems in Wauwatosa; and

WHEREAS, in order to protect the systems and services described above, including the safety of persons and property, it will be necessary to remove traffic and pedestrians from Wauwatosa streets, limit the supply of flammable materials, reduce access to certain facilities, preserve resources for expected responses and protect the safety of public employees in the most expedient manner possible to reduce safety risks related to such activity and to protect persons and property in Wauwatosa; and

WHEREAS, it is in the City of Wauwatosa's best interest to enact a curfew by which pedestrian and vehicular traffic on Wauwatosa streets – except for persons who are going to or from work and government officials, social service workers, and credentialed members of the press acting in their official capacities – is prohibited between the hours of 7:00 p.m. and 6:00 a.m. each night beginning at 7:00 p.m. on October 7, 2020, and ending at 6:00 a.m. on October 12, 2020;

WHEREAS, it is in the City of Wauwatosa's best interest to prohibit overnight parking of vehicles and remove all possible traffic obstructions in Wauwatosa to protect and preserve the ability of emergency service providers to respond when and where necessary between the hours of 7:00 p.m. and 6:00 a.m. each night beginning at 7:00 p.m. on October 7, 2020, and ending at 6:00 a.m. on October 12, 2020; and

WHEREAS, it is in the City of Wauwatosa's best interest to prohibit access to fuel and other readily combustible materials by closing gasoline stations, hardware stores, home improvement stores, and other facilities in Wauwatosa which provide access to materials which could be used to start or accelerate the burning of buildings and other property and thereby potentially cause injuries to people or damage to property, and also by limiting the use or transportation of containers used or capable of being used to transport and dispense such materials by persons seeking to cause damage of this type, between 7:00 p.m. and 6:00 a.m. each night beginning at 7:00 p.m. on October 7, 2020, and ending at 6:00 a.m. on October 12, 2020; and

WHEREAS, it is in the City of Wauwatosa's best interest to suspend City Hall and Public Library services from access or use by members of the public, and to conduct any scheduled public meetings in a fully virtual manner during this state of emergency, to protect the safety and integrity of City staff and resources and to continue the orderly functioning of City government and other government services beginning at 7:00 p.m. on October 7, 2020, and ending at 6:00 a.m. on October 12, 2020; and

WHEREAS, it is in the City of Wauwatosa's best interest to close all City of Wauwatosa and Wauwatosa School District facilities to access by members of the public to protect the safety of the persons and resources necessary to continue the orderly functioning of City government and other government services and to protect the ability of Wauwatosa's schools to continue the education of the community's children, which may result in certain City services, including dispatch and response of some City resources, becoming temporarily unavailable, beginning at 7:00 p.m. on October 7, 2020, and ending at 6:00 a.m. on October 12, 2020;

NOW, THEREFORE, I, Dennis R. McBride, Mayor of the City of Wauwatosa, under the authority granted to me by Sections 323.11 and 323.14(4)(b) of the Wisconsin Statutes, declare that the above conditions will be likely to give rise to and create an imminent threat of a riot or civil unrest which will impair transportation, fire, health, and police protection and operation of other critical systems and will thereby create a state of emergency in Wauwatosa, and that the proclamation of an emergency is necessary and expedient for the health, safety, and protection of people and property in Wauwatosa; and

FURTHERMORE, I hereby declare that the above-described actions necessary during this state of emergency to protect people and property within Wauwatosa are hereby ordered to be implemented as described above; and

FINALLY, I hereby declare that this proclamation of an emergency shall extend from October 7, 2020, at 12:00 noon until at 6:00 a.m. on October 11, 2020, and shall be subject to ratification, alteration, modification, or repeal by the Wauwatosa Common Council as soon as that Council can meet.

As Mayor of the City of Wauwatosa, I hereunto set my hand hereto this
30th day of September, 2020.

Dennis R. McBride, Mayor

From: [Alan Kesner](#)
Sent: Wednesday, September 30, 2020 1:54 PM
To: [Luke Vetter](#)
Cc: [Hanna Kolberg](#)
Subject: City - emergency declaration.9-30-20
Attachments: City - emergency declaration.9-30-20.docx

Luke:

Here is the Mayor's edited version of the declaration. Rather than closing hardware stores, it just prohibits the display or sale of flammable materials and containers during curfew times. Probably a lot to ask if we were to close all hardware stores for five or six days, especially if there is damage anywhere...

Does this look like it does what you need?

[Create Final version for execution on Mayoral letterhead]

Drafted September 30, 2020

PROCLAMATION OF EMERGENCY

WHEREAS, the Wauwatosa Police Department ("WPD") has been informed that on October 7, 2020, the Milwaukee County District Attorney will release his findings in the matter of the investigation of Officer Joseph Mensah regarding the killing of Alvin Cole in the City of Wauwatosa in February 2020; and

WHEREAS, based upon recent experience with protests concerning the continued employment of Officer Mensah by the WPD and upon community response to decisions and actions regarding police officers nationwide, most recently in Kenosha, Wisconsin, and Louisville, Kentucky, it is anticipated that an emergency will exist in the City of Wauwatosa due to conditions which will arise following that announcement, including civil unrest throughout Wauwatosa which creates concerns for the safety of persons and property and will impair transportation, health, and police protection and other critical systems in Wauwatosa; and

WHEREAS, in order to protect the systems and services described above, including the safety of persons and property, it will be necessary to remove traffic and pedestrians from Wauwatosa streets, limit the supply of flammable materials, reduce access to certain facilities, preserve resources for expected responses and protect the safety of public employees in the most expedient manner possible to reduce safety risks related to such activity and to protect persons and property in Wauwatosa; and

WHEREAS, it is in the City of Wauwatosa's best interest to enact a curfew by which pedestrian and vehicular traffic on Wauwatosa streets – except for persons who are going to or from work and government officials, social service workers, and credentialed members of the press acting in their official capacities – is prohibited between the hours of 7:00 p.m. and 6:00 a.m. each night beginning at 7:00 p.m. on October 7, 2020, and ending at 6:00 a.m. on October 12, 2020;

WHEREAS, it is in the City of Wauwatosa's best interest to prohibit overnight parking of vehicles and remove all possible traffic obstructions in Wauwatosa to protect and preserve the ability of emergency service providers to respond when and where necessary between the hours of 7:00 p.m. and 6:00 a.m. each night beginning at 7:00 p.m. on October 7, 2020, and ending at 6:00 a.m. on October 12, 2020; and

WHEREAS, it is in the City of Wauwatosa's best interest to prohibit access to fuel and other readily combustible materials by closing gasoline stations, hardware stores, home improvement stores, and other facilities in Wauwatosa which provide access to materials which could be used to start or accelerate the burning of buildings and other property and thereby potentially cause injuries to people or damage to property, and also by limiting the use or transportation of containers used or capable of being used to transport and dispense such materials by persons seeking to cause damage of this type, between 7:00 p.m. and 6:00 a.m. each night beginning at 7:00 p.m. on October 7, 2020, and ending at 6:00 a.m. on October 12, 2020; and

WHEREAS, it is in the City of Wauwatosa's best interest to suspend City Hall and Public Library services from access or use by members of the public, and to conduct any scheduled public meetings in a fully virtual manner during this state of emergency, to protect the safety and integrity of City staff and resources and to continue the orderly functioning of City government and other government services beginning at 7:00 p.m. on October 7, 2020, and ending at 6:00 a.m. on October 12, 2020; and

WHEREAS, it is in the City of Wauwatosa's best interest to close all City of Wauwatosa and Wauwatosa School District facilities to access by members of the public to protect the safety of the persons and resources necessary to continue the orderly functioning of City government and other government services and to protect the ability of Wauwatosa's schools to continue the education of the community's children, which may result in certain City services, including dispatch and response of some City resources, becoming temporarily unavailable, beginning at 7:00 p.m. on October 7, 2020, and ending at 6:00 a.m. on October 12, 2020;

NOW, THEREFORE, I, Dennis R. McBride, Mayor of the City of Wauwatosa, under the authority granted to me by Sections 323.11 and 323.14(4)(b) of the Wisconsin Statutes, declare that the above conditions will be likely to give rise to and create an imminent threat of a riot or civil unrest which will impair transportation, fire, health, and police protection and operation of other critical systems and will thereby create a state of emergency in Wauwatosa, and that the proclamation of an emergency is necessary and expedient for the health, safety, and protection of people and property in Wauwatosa; and

FURTHERMORE, I hereby declare that the above-described actions necessary during this state of emergency to protect people and property within Wauwatosa are hereby ordered to be implemented as described above; and

FINALLY, I hereby declare that this proclamation of an emergency shall extend from October 7, 2020, at 12:00 noon until at 6:00 a.m. on October 11, 2020, and shall be subject to ratification, alteration, modification, or repeal by the Wauwatosa Common Council as soon as that Council can meet.

As Mayor of the City of Wauwatosa, I hereunto set my hand hereto this
30th day of September, 2020.

Dennis R. McBride, Mayor

From: [Alan Kesner](#)
Sent: Wednesday, September 30, 2020 3:41 PM
To: [Dennis McBride](#); [Hanna Kolberg](#); [Luke Vetter](#)
Subject: A20-00021 Emergency Operations EOC General
Attachments: 00015979.docx

OK, here is the version for signature. Just needs to be printed on Mayor's letterhead.

** Attached file(s):
City - emergency declaration.9-30-20 (00015979.docx)

Alan Kesner
Wauwatosa City Attorney
akesner@wauwatosa.net
414.479.8905

PROCLAMATION OF EMERGENCY

WHEREAS, the Wauwatosa Police Department ("WPD") has been informed that on October 7, 2020, the Milwaukee County District Attorney will release his findings in the matter of the investigation of Officer Joseph Mensah regarding the killing of Alvin Cole in the City of Wauwatosa in February 2020; and

WHEREAS, based upon recent experience with protests concerning the continued employment of Officer Mensah by the WPD and upon community response to decisions and actions regarding police officers nationwide, most recently in Kenosha, Wisconsin, and Louisville, Kentucky, it is anticipated that an emergency will exist in the City of Wauwatosa due to conditions which will arise following that announcement, including civil unrest throughout Wauwatosa which creates concerns for the safety of persons and property and will impair transportation, health, and police protection and other critical systems in Wauwatosa; and

WHEREAS, in order to protect the systems and services described above, including the safety of persons and property, it will be necessary to remove traffic and pedestrians from Wauwatosa streets, limit the supply of flammable materials, reduce access to certain facilities, preserve resources for expected responses and protect the safety of public employees in the most expedient manner possible to reduce safety risks related to such activity and to protect persons and property in Wauwatosa; and

WHEREAS, it is in the City of Wauwatosa's best interest to enact a curfew by which pedestrian and vehicular traffic on Wauwatosa streets – except for persons who are going to or from work and government officials, social service workers, and credentialed members of the press acting in their official capacities – is prohibited between the hours of 7:00 p.m. and 6:00 a.m. each night beginning at 7:00 p.m. on October 7, 2020, and ending at 6:00 a.m. on October 12, 2020;

WHEREAS, it is in the City of Wauwatosa's best interest to prohibit overnight parking of vehicles and remove all possible traffic obstructions in Wauwatosa to protect and preserve the ability of emergency service providers to respond when and where necessary between the hours of 7:00 p.m. and 6:00 a.m. each night beginning at 7:00 p.m. on October 7, 2020, and ending at 6:00 a.m. on October 12, 2020; and

WHEREAS, it is in the City of Wauwatosa's best interest to prohibit access to fuel and other readily combustible materials by closing gasoline stations and prohibiting the display and sale of flammable materials at hardware stores, home improvement stores, and other facilities in Wauwatosa which provide access to materials which could be used to start or accelerate the burning of buildings and other property and thereby potentially cause injuries to people or damage to property, and also by limiting the sale, use or transportation of containers used or capable of being used to transport and dispense such materials by persons seeking to cause damage of this type, between 7:00 p.m. and 6:00 a.m. each night beginning at 7:00 p.m. on October 7, 2020, and ending at 6:00 a.m. on October 12, 2020; and

WHEREAS, it is in the City of Wauwatosa's best interest to suspend City Hall and Public Library services from access or use by members of the public, and to conduct any scheduled public meetings in a fully virtual manner during this state of emergency, to protect the safety and integrity of City staff and resources and to continue the orderly functioning of City government and other government services beginning at 7:00 p.m. on October 7, 2020, and ending at 6:00 a.m. on October 12, 2020; and

WHEREAS, it is in the City of Wauwatosa's best interest to close all City of Wauwatosa and Wauwatosa School District facilities to access by members of the public to protect the safety of the persons and

resources necessary to continue the orderly functioning of City government and other government services and to protect the ability of Wauwatosa's schools to continue the education of the community's children, which may result in certain City services, including dispatch and response of some City resources, becoming temporarily unavailable, beginning at 7:00 p.m. on October 7, 2020, and ending at 6:00 a.m. on October 12, 2020;

NOW, THEREFORE, I, Dennis R. McBride, Mayor of the City of Wauwatosa, under the authority granted to me by Sections 323.11 and 323.14(4)(b) of the Wisconsin Statutes, declare that the above conditions will be likely to give rise to and create an imminent threat of a riot or civil unrest which will impair transportation, fire, health, and police protection and operation of other critical systems and will thereby create a state of emergency in Wauwatosa, and that the proclamation of an emergency is necessary and expedient for the health, safety, and protection of people and property in Wauwatosa; and

FURTHERMORE, I hereby declare that the above-described actions necessary during this state of emergency to protect people and property within Wauwatosa are hereby ordered to be implemented as described above; and

FINALLY, I hereby declare that this proclamation of an emergency shall extend from October 7, 2020, at 12:00 noon until at 6:00 a.m. on October 12, 2020, and shall be subject to ratification, alteration, modification, or repeal by the Wauwatosa Common Council as soon as that Council can meet.

As Mayor of the City of Wauwatosa, I hereunto set my hand hereto this 30th day of September, 2020.

Dennis R. McBride, Mayor

From: [Hanna Kolberg](#)
Sent: Wednesday, September 30, 2020 4:08 PM
To: [Alan Kesner; Luke Vetter](#)
Cc: [Dennis McBride](#)
Subject: Signed Emergency Proclamation
Attachments: 10 7 Emergency Proclamation SIGNED.pdf

Hanna Kolberg
Assistant City Attorney
City of Wauwatosa
7725 W. North Avenue
Wauwatosa, WI 53213
Phone: 414-479-8905



CITY OF WAUWATOSA

7725 WEST NORTH AVENUE
WAUWATOSA, WISCONSIN 53213
PHONE: (414) 479-8915
FAX: (414) 479-8985
E-MAIL: mayor@wauwatosa.net
www.wauwatosa.net

DENNIS McBRIDE
Mayor

PROCLAMATION OF EMERGENCY

WHEREAS, the Wauwatosa Police Department ("WPD") has been informed that on October 7, 2020, the Milwaukee County District Attorney will release his findings in the matter of the investigation of Officer Joseph Mensah regarding the killing of Alvin Cole in the City of Wauwatosa in February 2020; and

WHEREAS, based upon recent experience with protests concerning the continued employment of Officer Mensah by the WPD and upon community response to decisions and actions regarding police officers nationwide, most recently in Kenosha, Wisconsin, and Louisville, Kentucky, it is anticipated that an emergency will exist in the City of Wauwatosa due to conditions which will arise following that announcement, including civil unrest throughout Wauwatosa which creates concerns for the safety of persons and property and will impair transportation, health, and police protection and other critical systems in Wauwatosa; and

WHEREAS, in order to protect the systems and services described above, including the safety of persons and property, it will be necessary to remove traffic and pedestrians from Wauwatosa streets, limit the supply of flammable materials, reduce access to certain facilities, preserve resources for expected responses and protect the safety of public employees in the most expedient manner possible to reduce safety risks related to such activity and to protect persons and property in Wauwatosa; and

WHEREAS, it is in the City of Wauwatosa's best interest to enact a curfew by which pedestrian and vehicular traffic on Wauwatosa streets – except for persons who are going to or from work and government officials, social service workers, and credentialed members of the press acting in their official capacities – is prohibited between the hours of 7:00 p.m. and 6:00 a.m. each night beginning at 7:00 p.m. on October 7, 2020, and ending at 6:00 a.m. on October 12, 2020;

WHEREAS, it is in the City of Wauwatosa's best interest to prohibit overnight parking of vehicles and remove all possible traffic obstructions in Wauwatosa to protect and preserve the ability of emergency service providers to respond when and where necessary between the hours of 7:00 p.m. and 6:00 a.m. each night beginning at 7:00 p.m. on October 7, 2020, and ending at 6:00 a.m. on October 12, 2020; and

WHEREAS, it is in the City of Wauwatosa's best interest to prohibit access to fuel and other readily combustible materials by closing gasoline stations and prohibiting the display and sale of flammable materials at hardware stores, home improvement stores, and other facilities in Wauwatosa which provide access to materials which could be used to start or accelerate the burning of buildings and other property and thereby potentially cause injuries to people or damage to property, and also by limiting the sale, use or transportation of containers used or capable of being used to transport and dispense such materials by persons seeking to cause damage of this type, between 7:00 p.m. and 6:00 a.m. each night beginning at 7:00 p.m. on October 7, 2020, and ending at 6:00 a.m. on October 12, 2020; and

WHEREAS, it is in the City of Wauwatosa's best interest to suspend City Hall and Public Library services from access or use by members of the public, and to conduct any scheduled public meetings in a fully

virtual manner during this state of emergency, to protect the safety and integrity of City staff and resources and to continue the orderly functioning of City government and other government services beginning at 7:00 p.m. on October 7, 2020, and ending at 6:00 a.m. on October 12, 2020; and

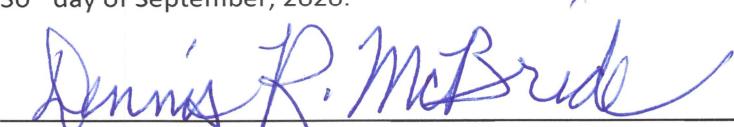
WHEREAS, it is in the City of Wauwatosa's best interest to close all City of Wauwatosa and Wauwatosa School District facilities to access by members of the public to protect the safety of the persons and resources necessary to continue the orderly functioning of City government and other government services and to protect the ability of Wauwatosa's schools to continue the education of the community's children, which may result in certain City services, including dispatch and response of some City resources, becoming temporarily unavailable, beginning at 7:00 p.m. on October 7, 2020, and ending at 6:00 a.m. on October 12, 2020;

NOW, THEREFORE, I, Dennis R. McBride, Mayor of the City of Wauwatosa, under the authority granted to me by Sections 323.11 and 323.14(4)(b) of the Wisconsin Statutes, declare that the above conditions will be likely to give rise to and create an imminent threat of a riot or civil unrest which will impair transportation, fire, health, and police protection and operation of other critical systems and will thereby create a state of emergency in Wauwatosa, and that the proclamation of an emergency is necessary and expedient for the health, safety, and protection of people and property in Wauwatosa; and

FURTHERMORE, I hereby declare that the above-described actions necessary during this state of emergency to protect people and property within Wauwatosa are hereby ordered to be implemented as described above; and

FINALLY, I hereby declare that this proclamation of an emergency shall extend from October 7, 2020, at 12:00 noon until at 6:00 a.m. on October 12, 2020, and shall be subject to ratification, alteration, modification, or repeal by the Wauwatosa Common Council as soon as that Council can meet.

As Mayor of the City of Wauwatosa, I hereunto set my hand hereto this
30th day of September, 2020.



Dennis R. McBride, Mayor